

Remarks

Claims 14 and 15 have been amended to recite the “solid oxide fuel cell” instead of the “method.” Claim 16 has been amended to recite dependency from claim 13 instead of claim 11. No new matter is added thereby, and each of these amendments is consistent with the examiner’s interpretation during examination, thus the amendments should have no bearing whatsoever on the examination of the present application.

35 USC § 102(e) and 35 USC § 103 (a)

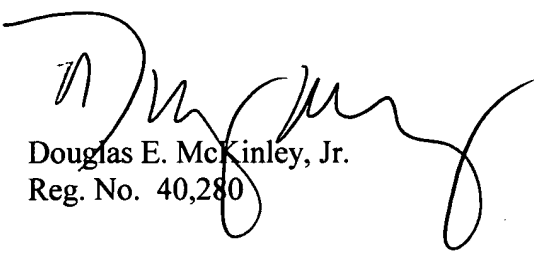
The examiner has rejected claims 1, 3, 8, 9-14, and 17 as anticipated under 35 USC § 102(e) by Haltiner et al. (US 2003/0235746A1) and has further rejected claims 2, 4-7, 16, and 18-21 as unpatentable under 35 USC § 103(a) over Haltiner et al. in view of Carolan et al (US Pat. No. 5,750,279) and James et al. (US Pat. No. 5,766,789 A). The applicant has submitted herewith the declaration of Kerry Meinhardt under 37 CFR 1.131, demonstrating conclusively that the invention as claimed was conceived and reduced to practice prior to June 24, 2002, the filing date and first priority date of the Haltiner et al. reference. Since the present application was filed prior to the first publication of the Haltiner et al. reference, and since the Haltiner et al. reference was first published within 12 months of the applicant’s earliest US filing date, under 35 USC § 102(a), the Haltiner et al. reference should be removed from consideration in the examination of the present invention. Absent the Haltiner et al. reference, there is no prima facie case for obviousness under 35 USC § 103(a) or anticipation under 35 USC § 102(e). Accordingly, the applicant respectfully requests that the examiner remove his rejections under 35 USC § 102(e) and 35 USC § 103(a), and allow the claims to issue.

Appl. No. 10/609,069
Reply to Office action of February 8, 2006

Conclusion

Applicant has made an earnest attempt to place the above referenced application in condition for allowance and action toward that end is respectfully requested. Should the Examiner have any further observations or comments, she is invited to contact the undersigned for resolution.

Respectfully submitted,



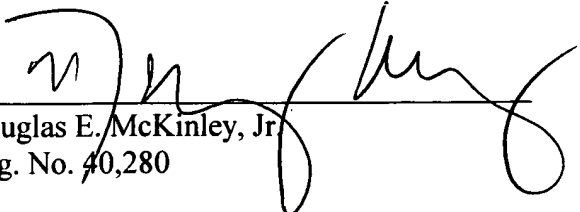
Douglas E. McKinley, Jr.
Reg. No. 40,280

PO Box 202
Richland, WA 99352
Voice (509) 628-0809
Fax (509) 628-2307

The undersigned hereby certifies that the forgoing Amendment dated July 10, 2006 in reply to the office action of February 8, 2006 together with the 37 CFR 1.131 declaration of Kerry Meinhardt w/ attachment, a fee sheet (PTO form SB/22), an information disclosure statement (PTO form SB/08a), 3 references, and a return postcard are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on the date set forth below.



Douglas E. McKinley, Jr.
Reg. No. 40,280

July 10, 2006
Date